

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 No

N T V MULTIWALL PAPER BAG CO PVT LTD AND ANR

Versus

REGIONAL PROVIDENT FUND COMMISSIONER

Appearance:

MR PR NANAVATI for Petitioners

MR KETAN A DAVE for Respondent Nos.1, 2, 3, 4

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 02/05/97

ORAL JUDGEMENT

Mr.Nanavati has invited my attention to the order dated 19.9.94 passed by the Assistant Provident Fund Commissioner, Gujarat State, Ahmedabad and yet another order dated 8.2.96 passed by the Regional Provident Fund Commisioner, Incharge Sub Regional Office, Surat requiring the petitioner-Company to deposit the dues of Provident Fund. It has been argued by Mr. Nanavati that the dues with regard to the period March 1992 to July

1994 is covered by the order passed by the concerned authority at Ahmedabad on 19.9.94 and yet with regard to the very same period, the Regional Provident Fund Commissioner, Incharge Sub Regional Office, Surat has again passed the order as is apparent from the order dated 8.2.96 itself, which relates to the period March 1992 to July 1995. Mr. Nanavati has also submitted that he has already deposited certain amount, ofcourse the details are not readily available with him. The aforesaid factual aspect of the matter has not been disputed by Mr. Dave appearing on behalf of the respondents.

In the facts and circumstances of this case, it is directed that the petitioners may furnish full details with regard to the amount already deposited by it for the period March 1992 to July 1994 or thereafter, if any, before the Regional Provident Fund Commissioner, Incharge Sub Regional Office, Surat alongwith a proper application so as to revise or modify the order dated 8.2.96. Should the petitioners make such an application alongwith the details of deposit and the exact period, the Regional Provident Fund Commissioner, Incharge Sub Regional Office, Surat shall decide such application after hearing the petitioners in accordance with law for the entire due period upto date and he may revise or modify his order dated 8.2.96, if necessary. Concerned Authority at Surat shall decide such application within a period of 8 weeks from the date such application is moved by the petitioner-Company before him and it will be obligatory for the petitioner-Company to move such application before the concerned authority at Surat within 15 days from today.

This Special Civil Application is allowed in part as above and the Rule is also made absolute accordingly with no order as to costs.